

## **STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS**

### **COUNTY OF NEWPORT**

At a meeting of the Town Council of the Town of Tiverton, County and State aforesaid, held at the Tiverton Town Hall on the 28th day of January 2008 A.D. at 7:00 p.m.

President Durfee opened the meeting with the Pledge of Allegiance to the Flag.

#### **Roll Call:**

Joanne M. Arruda  
Donald Bollin  
Paul E. Carroll  
Hannibal F. Costa

Louise Durfee  
Jay Edwards  
Brian A. Medeiros

Town Administrator, W. Glenn Steckman III and  
Town Solicitor, Andrew M. Teitz were also present.

#### **Approval of Consent Agenda:**

All items listed with (CA) are to be considered routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a member of the Council or a member of the public so requests, in which event the item will be removed from Consent Agenda (CA) consideration and considered in its normal sequence on the agenda.

Councilor Bollin read the items of the Consent Agenda.

Councilor Edwards removed Items A-3-a, A-3-b, and A-3-c from the Consent Agenda.

Councilor Bollin made a motion to approve the Consent Agenda seconded by Councilor Carroll, which passed unanimously.

The Consent Agenda was as follows:

#### **CONSENT AGENDA**

##### **A-1-Approval of Minutes of Previous Meetings.**

1. Minutes from Town Council Regular Meeting of January 14, 2008

##### **A-2-Receipt of Minutes from Various Board and Commissions:**

a. Cemetery Commission	b. Charter Review Commission	c. Conservation Commission
d. Harbor Commission	e. Recreation Commission	f. School Committee
g. Historical Cemeteries Commission		

##### **A-3-Correspondence**

d. Received from Edward and Betty Jerome Regarding Interest on Surety Passbook-Referred to Town Treasurer, Planning Board and Town Solicitor.  
e. Received from Pat Sullivan, Conservation Commission Regarding Noise Pollution

##### **A-4-Approval of Tax Assessor Abatements**

##### **A-5-Approval of Tax Assessor Board of Review Abatements**

**A-6-T. Ramotowski, Conservation Commission**—Request Public Hearing on Proposed “Stonewall Preservation Ordinance”—Referred to Planning Board for Recommendation-Scheduled Public Hearing on April 14th

#### **Correspondence Received from Tiverton Arts Council Regarding Image for Sakonnet Bridge:**

Councilor Edwards had requested that the Tiverton Arts Council be involved with the drafting of a simple design of the Town's Complex Seal to be displayed on the Tiverton Side of the Sakonnet River Bridge.

The Arts Committee looking to obtain from potential bidders for the project specifics of the materials and process to be used in creating the backlit panel for the bridge.

Councilor Edwards said it would be some time before the matter goes up for bid, however suggested that the Arts Council contact the Architect on record for designing the abutment at Newport Collaborative Architect for input.

Councilor Bollin requested that a letter be sent to the Arts Committee that they should contact the Newport Collaborative Architect in Newport, RI.

Mr. Peter Moniz would like to see the public get involved in the process.

**Correspondence Received from State Planning Council-Regarding Transportation Improvement Program (TIP)-Referred to Town Administrator/DPW Director, Fire Chief/Police Chief and WWMgt.**

Councilor Edwards, have until February 27, 2008 to submit proposals on projects to the State Planning Council, was the Town going to submit any proposals?

Town Administrator responded that some items had previously been approved, will look further as to exactly which ones have been approved and what can additionally be submitted.

President Durfee requested that the list be widely distributed in Tiverton for ideas.

**Correspondence Received from Planning Board Regarding Status Update-Tiverton Yacht Club Request for Amendment to Zoning Ordinance:**

Councilor Edwards seeking update on the Tiverton Yacht Club's proposal for a Zoning Amendment Mr. Noel Berg of the Planning Board thought perhaps another submission was received by the Town Clerk, if true did not see the substance and would have to be on Council's Agenda.

The last time the submission was before the Council on December 10, 2007, Councilor Edwards had voted against referring the submission to the Planning Board for lack of appropriate format. Councilor Edwards suggested that the submission go directly to the Planning Board rather than back and forth.

Town Solicitor, Andy Teitz had talked to Mr. Campbell and Mr. Tremblay and met with Mr. Berg and Mr. Spencer, still need to confer with Town Solicitor Peter Ruggeiro who represents the Zoning/Planning Departments, still need to speak with parties as to what the proper format would be and try to avoid going back and forth.

The Town Council was sitting as the Board of Licensing Commissioners:

**BOARD OF LICENSING COMMISSIONERS**

**All Fresh Donuts Corporation d/b/a Sip "N Dip Donuts, 499 Main Road-Request Approval of Victualling License Subject to Meeting All Legal Requirements:**

A motion was made by Councilor Bollin to grant the Victualling License subject to meeting all legal requirements. Councilor Edwards seconded the motion, and then passed unanimously.

**Town Clerk's Office-Renewal of Annual Private Detective License 2/11/08 to 2/10/09-Robert W. Ramos, 654 Penn Street, Fall River, MA. Subject to Meeting All Legal Requirements-**

A motion was made by Councilor Carroll seconded by Councilor Costa to grant the Annual Private Detective License to Robert W. Ramos subject to meeting all legal requirements. The motion carried unanimously.

**Town Clerk's Office-Renewal of Tobacco Dealer's Licenses-2/1/08 to 11/30/08 (Partial Year) Subject to Meeting All Legal Requirements-List Attached:**

Councilor Carroll made a motion to approve the Renewal of Tobacco Dealer's Licenses as presented. Councilor Arruda seconded the motion, and passed unanimously.

**The Renewal Tobacco Dealer's Licenses are as follows (Partial Year, February 1, 2008 to November 30, 2008.**

RAY BHARTI INC.d/b/a 177 VARIETY----	1540 BULGARMARSH RD.
NIMRAJ INC. d/b/a CROSSROADS LIQUORS	1540 BULGARMARSH RD.
CUMBERLAND FARMS INC. #1121	1860 MAIN RD.
CVS PHARMACY INC. #1086	496 MAIN RD.
EAST LAKE VARIETY INC.	750 MAIN RD.
SFS CORP. d/b/a ELAINE'S COUNTRY STORE	1204 FISH ROAD
GRAY'S ICE CREAM INC.	16 EAST RD.
HESS CORP. #39211	1308 STAFFORD RD.
RI YOGI RAJ LLC d/b/a NORTH TIVERTON NEWS	15 MAIN RD
MAXI DRUG SOUTH LP d/b/a RITE AID 10235	677 MAIN RD.
STEP BY STEP MART	429 MAIN RD.
SMITOM INC. d/b/a STONE BRIDGE LIQUORS	2490 MAIN RD.
JMAC INC. d/b/a THREE DUCKS CAR WASH	400 MAIN RD
TIVERTON CONVENIENCE STORE INC.	29 STAFFORD RD.
CHANDNI INC. d/b/a TIVERTON LIQUORS	65 MAIN RD.
DCPKM ENTERPRISES INC. d/b/a TIVERTON VALERO	861-887 MAIN RD

**CIGARETTE VENDING MACHINE LICENSE & REGISTRATION (PARTIAL YEAR)  
FEBRUARY 1, 2008-NOVEMBER 30, 2008**

Perpetual

Reg. #

1006	FAITH J. BORTZ d/b/a PJ'S CAFÉ	301 STATE AVENUE
1007	SPA ISLAND ENTERPRISES d/b/a LIL' BEAR LOUNGE	983 MAIN ROAD

**APPOINTMENTS & RESIGNATIONS**

**Town Administrator-Request Council Appointment to Police Pension Board**

Town Council Vice President, Donald Bollin, currently the representative on the Police Pension Board, annual term expired on December 31, 2007. Town Administrator requesting that Mr. Bollin be reappointed or appoint a new member.

Councilor Edwards made a motion to reappoint Councilor Bollin as Council representative to the Police Pension Board for the annual term to December 2009. Councilor Arruda seconded the motion. The motion carried by vote of 6-0-1, Councilor Bollin abstained.

**Town Administrator-Request Council Appointment to Landfill Subcommittee:**

A motion was made by Councilor Carroll to appoint Councilor Edwards to the Landfill Subcommittee. Councilor Costa seconded the motion and then passed unanimously.

**FINANCIAL BUSINESS:**

**Town Administrator-Request Approval of Transfer for \$35,000. from Account #219- 266 (Health Insurance) to Account #105-359 (Legal Services/Litigation)**

Town Administrator requesting the \$35,000.00 transfer due to an increase in Litigation matters including Bay Street.

As of 1/28/2008 there was a surplus of \$145,000.00 in the Health Insurance Account from group dividends and employee vacancies. After the FTM, Governmental Health Group, renegotiated with BCBS, premium decreased by 7%, and the Police Union's Contract increased their payments and their co-pay.

Town Solicitor, Andrew Teitz, put a little damper on the moment; a Federal Court Trial was scheduled for April in regard to pollution claims, if it goes forward, considerable further litigation expenses.

President Durfee gave a brief explanation why the transfer was necessary. Residents in the Bay Street contamination area brought suit against Southern Union, Southern Union brought the Town of Tiverton in as a 3<sup>rd</sup> party defendant, saying that if they are liable, the Town is also liable. Town's exposure was downward \$55M. The Town has to protect itself, large litigation. Assistant Town Solicitor, Jeanne Scott sitting through depositions taken by Southern Union that began in December and is still continuing. The Town has large exposure and working to help the residents place liability where it should be.

In conjunction with the residents, the Town also suing Southern Union for damages caused to the Town in polluting the streets, trial was scheduled to start in April, said Councilor Bollin.

A motion was made by Councilor Bollin to approve the \$35,000.00 transfer from the Health Insurance Account to the Legal Services/Litigation Account. Councilor Arruda seconded the motion, which passed unanimously.

#### **NEW BUSINESS:**

##### **D. Robert, Tax Assessor-Renumbering Parcel Identifiers.**

Mr. David Robert, Tax Assessor before the Council, not requesting any action. Mr. Robert was proceeding with a major undertaking in his office. There were many inconsistencies and problems with the current Map-Block-Card numbering system of the Tax Assessor's Map Parcel identifiers. Mr. Robert's proposal will eliminate the Map-Block-Card system, and will be changed to just a Plat-Lot, consisting of three series of 3's, example, Map #-Lot# and if condo/mobile park, would have Unit #. The new format would comply with the International Assessor's Association Standard of Map Identifiers.

Mr. Robert gave the Council an overview of the packet and why he was making the changes. First Map =Key Map in the Assessor's Office. The numbers ran South to North, West to East, and the numbers did not follow.

Map 2- Map-Block-Card System, very confusing to people looking for information, most not aware of Map #s. For example Block #45, was listed in four different areas.

Map3-New Subdivision had numbers such as 81-1, etc., a subdivision right next door was identified with letters, just no logic.

The chain of title cards will be cross-referenced with the old numbers and the new identifiers.

##### **J. Cook, Recreation Commission-Request Approval of Sponsor Recognition Methods for Fundraising:**

Mr. Jack Cook and Mr. Gary Rose members of the Recreation Commission before the Council seeking approval of sponsor recognition methods for donations received. The Recreation Commission was preparing to raise an estimated \$318,000.00 necessary for matching grants.

As part of the fundraising efforts, the Recreation Commission wanted to give proper recognition for the donations, and distributed their proposal packet.

1. A brick paver walkway, individual bricks sponsored for \$150.00 with the name engraved of the contributor

2. A tree donation request of \$300.00 - \$500.00, a small plaque 3"x5" at the base of the tree recognizing the donation
3. A park bench, \$1,500.00 with a 3"x6" brass plaque recognizing the donation.
4. The Park playground, \$100,000.00 or four donations of \$25,000.00, a 2' x 2' wooden sign anchored with 4 x4 posts
5. A scoreboard that would be sponsored with the business name on the scoreboard.

Will be approaching big corporations first, some have set up foundations, where you can first send a letter explaining the fundraiser, and followed by an application for consideration.

A motion was made by Councilor Bollin to allow the Recreation Commission to use the sponsor recognition methods as presented to raise funds for the Bulgarmarsh Park Recreation Redevelopment. Councilors Arruda and Edwards seconded the motion.

Mr. Peter Moniz served on the Enterprise Zone Project; Special Town projects such as the recreation and the library, any one who makes a contribution would be eligible for a State tax credit.

President Durfee perhaps set up a restricted account in the Treasurer's Office for the purpose of Bulgarmarsh Park Redevelopment Funds.

Councilor Bollin amended his motion to include the establishment of a restricted Account for any funds received for the Bulgarmarsh Park Redevelopment Project. The motion passed unanimously.

## **TOWN ADMINISTRATOR ANNOUNCEMENTS, COMMENTS AND QUESTIONS**

### **PUBLIC ANNOUNCEMENTS:**

1. Town Administrator distributed copies of minutes from the Harbor and Coastal Waters Mgt. Commission in regard to their meeting with RIDOT to address concerns of the Sakonnet River Bridge; the boat ramp was a big concern of the Harbor Commission.
2. Also distributed a copy of letter, hand delivered to Mr. Rearick, Superintendent of Schools, which outlined two budget scenarios, requesting that they consider.
3. The Department Heads were working on their numbers and how they would be impacted. Suggested that a meeting be scheduled sometime after the Feb. 4, 2008 meeting to review the different scenarios, and would be helpful if the Department Heads also be at the meeting.
4. On a positive note, the Police Pension almost at 65% valuation an increase of 15%; the unfunded liability reduced.

## **TOWN SOLICITOR, ANNOUNCEMENTS, COMMENTS AND QUESTIONS:**

Town Solicitor, Andrew M. Teitz, requesting that the Council meet at 6:00 p.m. for the next Council Meeting of February 11, 2008, for Executive Session to deal with Labor Issues.

### **Town Solicitor-Town Administrator Assistant Contract-Continued from January 22<sup>nd</sup> Meeting:**

Town Solicitor had been requested to redraft the contract with the changes as directed by the Council. A newer version was distributed, had sent a premature version earlier.

In reviewing the contract, Town Administrator stated that under the Town Charter it was his responsibility to negotiate all contracts, the recommended candidate had not seen the new version. The position falls outside of a Department Head Level. The Personnel Board recommended the person, the contract was asking for more work hours and less money, could not in good faith go forward, the contract did not reflect what he had negotiated with the candidate. The matter was discussed with the Interim Town Administrator, the position will remain vacant.

A motion was made by Councilor Carroll to table the matter, seconded by Councilor Costa. The motion carried by vote of 6-1, Councilor Bollin opposed.

For the record, Town Administrator requesting the matter be withdrawn.

**CLOSED EXECUTIVE SESSION**

**Town Solicitor-42-46-5(a)(2)—Litigation**

**Town Council-42-46-5(a)(5)—Acquisition or Disposition of Town Held Property**

**Town Administrator-42-46-5(a)(5)—Acquisition or Disposition of Town Held Property**

A motion was made by Councilor Bollin to enter into Executive Session pursuant to 42-46-5(a)(2)-Litigation. The motion was seconded by Councilor Arruda and then passed unanimously.

Councilor Bollin made a motion to remain in Executive Session pursuant to 42-46-5(a)(5)-Acquisition or Disposition of Town Held Property. Councilor Arruda seconded the motion, which passed unanimously.

Councilor Bollin made a motion to further remain in Executive Session pursuant to 42-46-5(a)(5)-Acquisition or Disposition of Town Held Property. Councilor Arruda seconded the motion, which passed unanimously.

The Council entered into Executive Session at approximately 7:50 p.m.

The Council returned to Open Session at approximately 9:15 p.m.

**OPEN SESSION:**

Council President announced action had been taken in regard to a cell tower.

Councilor Edwards motioned to seal the minutes of the Executive Session. Councilor Carroll seconded, passed unanimously.

**ADJOURNMENT:**

Councilor Edwards motioned to adjourn, seconded by Councilor Carroll, passed unanimously.

Meeting adjourned at approximately 9:20 p.m.

A True Copy.

ATTEST: \_\_\_\_\_  
Nancy L. Mello, Town Clerk

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
COUNTY OF NEWPORT**

The Town Council of the Town of Tiverton, County and State aforesaid held a Regular Town Council Meeting at the Town Hall on Thursday, the 30th day of June 2005 A.D. at 7:00 p.m.

**ROLL CALL**

Joanne M. Arruda	Cecil E. Leonard
Donald Bollin	Brian A. Medeiros
Paul E. Carroll	Arthur R. Wyman Jr.
Louise Durfee (Absent)	

Vice President, Donald Bollin opened the meeting with the Pledge of Allegiance to the Flag.

Town Solicitor, Andrew M. Teitz was also present and Town Administrator was not in attendance.

**Approval of Consent**

All items listed with (CA) are to be considered routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a member of the Council, or a member of the public so requests, in which event the item will be removed from Consent Agenda (CA) consideration and considered in its normal sequence on the Agenda.

Councilor Bollin read all the items listed as Consent Agenda.

Councilor Carroll requested those Items A-1 and A-3 is removed under Approval of Minutes as well as Item E-3 under New Business.

Councilor Leonard requested to have removed Items A-5 and A-6 under Approval of Minutes also requested the removal of Items D-4a under Financial Business, the removal of Item I-1 under Abatements and Items under Correspondence J-1 and J-2.

Councilor Arruda requested Item J-6 under Correspondence be removed from the Consent Agenda.

Mr. Carroll made a motion, seconded by Mrs. Arruda to approve the remaining items listed on the Consent Agenda. The motion made was unanimous.

The remaining items on the Consent Agenda were as follows:

**Approval of Minutes Of Previous Meetings:**

A-1--Special Town Council Meeting of May 16, 2005

A-4- Regular Town Council Meeting of June 13, 2005

A-7-Council Workshop Minutes of June 20, 2005

**Financial Business:**

D-1-Tax Collector-Request Approval of Inter-Departmental Transfers

\$450.00 from #215-535 (Telephone) to #215-623 (Supplies)

D-2-Chief Lloyd-TFD-Requests Approval of Inter-Departmental Transfer

\$300.00 from #331-640 (Station Maint.) to #331-740 (Apparatus Maint.)

D-3-Chief Blakey-Request Inter-Departmental Transfers

\$209.32 from #333-167 (Equipment) to #333-528 (Education)

\$509.32 from #333-168 (Uniform) to #333-528 (Education)

\$400.76 from #333-530 (Radio) to #333-528 (Education)

\$1,670.70 from #333-648 (Vehicle) to #333-528 (Education)

\$200.00 from #333-648 (Vehicle) to #333-640 (Building Maintenance)

**Correspondence**

*Distributed Prior to Council Meeting*